IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2642 OF 2004

Satwik Electric Control Pvt.Ltd ...Applicant

V/s

Technoflow Industries and Ors. ...Respondents.

Mr. Tejane h/f Girish S. Godbole for the applicant.

Ms. Sonal advocate for respondent No.1.

Ms. S.V. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 5th May, 2006

P.C.

1. This Criminal Writ Petition was filed by the petitioner, challenging the order of the learned Chief Judicial Magistrate, Mashie who had passed the impugned order dated 22/9/2004 in a complaint which was filed by respondent No.1 under section 138 of the Negotiable Instruments Act. A notice was issued to the respondent No.1. The respondent No.1 were served.

2. During the pendency of this petition in this Court, both the parties decided to amicably settle the matter and, accordingly, they have filed the minutes of the consent terms. They are taken on record and marked "X" for identification. In the consent terms,

it is stated that they have amicably settled the entire dispute and that the petitioner has paid a sum of Rs 1,50,000/- to respondent No.1 towards the full and final settlement of all the claims of respondent No.1 against the petitioner arising out of dishonour of two cheques. A demand draft of Rs 1,50,000/- has been paid to the respondent No.1 and the respondent No.1, accordingly, has accepted the said demand draft by way of full and final settlement of all the claims of the respondent No.1 against the petitioner arising out of the dishonour of two cheques. Both the parties have agreed that the complaint may be quashed by this Court.

3. Both the parties are present. They have filed the consent terms. Undertaking, if any, given in the consent terms is accepted.

4. In view of the amendment to the Negotiable Instruments Act, the cases which are filed under section 138 of the said Act are now made compoundable. However, it is not necessary to relegate the present petitioner to the Court of Magistrate as this Court also can quash the proceedings by exercising its jurisdiction under section 482 of the Criminal Procedure Code.

5. Thus, there is no impediment in quashing the criminal complaint which is pending in the Court of Chief Judicial Magistrate, Nashik vide Criminal Case being STC No.1287 of 2002 which is filed by respondent No.1 under section 138 of the Negotiable Instruments Act.

6. In the result, the Writ Petition is allowed by consent. Criminal Case being STC No. 1287 of 2002 pending in the Court of Chief Judicial Magistrate, Nashik is quashed and set aside.

7. Criminal Writ Petition is accordingly disposed of.

V.M. KANADE, J.